

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

RAYMOND SIDA, individually and on behalf
of all persons similarly situated,

CIVIL ACTION.

Plaintiffs,

Case No. 2:18-cv-00806-MRH

v.

PINTURA CONSTRUCTION LLC,
CHURCHILL COMMUNITY
DEVELOPMENT LP, SJ GROUP LLC,
AMERIHOST SERVICES LLC, MOTEL 6
BANKSVILLE ROAD, PITTSBURGH
STUDIOS LP, PARADIGM CONSULTANTS
LLC, GLOBAL HOST INC., WINDOWS R
US LLC, SJ GROUP HOLDING LLC,
RAMESH JAIN and VIKAS JAIN,

Defendants,

PLAINTIFF'S RESPONSE TO DEFENDANTS' AFFIRMATIVE DEFENSES TO
PLAINTIFF'S AMENDED COMPLAINT

Plaintiff Raymond Sida (“Plaintiff” or “Sida”), through his undersigned counsel, individually and on behalf of all persons similarly situated, files the within Response to Defendants’ Affirmative Defenses to Plaintiff’s Amended Class and Collective Action Complaint:

1. Paragraph 1 to Defendants’ Affirmative Defenses constitute legal conclusions to which no response is required. To the extent a response is deemed necessary, Plaintiff denies the averments contained therein for the reason that they are untrue. By way of further response, Plaintiff holds Defendants to its strict proofs at trial. Plaintiff hereby further incorporates its Complaint as if it were more fully set forth at length.

2. Paragraph 2 to Defendants’ Affirmative Defenses constitute legal conclusions to which no response is required. To the extent a response is deemed necessary, Plaintiff denies the

averments contained therein for the reason that they are untrue. By way of further response, Plaintiff holds Defendants to its strict proofs at trial. Plaintiff hereby further incorporates its Complaint as if it were more fully set forth at length.

3. Paragraph 3 to Defendants' Affirmative Defenses constitute legal conclusions to which no response is require. To the extent a response is deemed necessary, Plaintiff denies the averments contained therein for the reason that they are untrue. By way of further response, Plaintiff holds Defendants to its strict proofs at trial. Plaintiff hereby further incorporates its Complaint as if it were more fully set forth at length.

4. Paragraph 4 to Defendants' Affirmative Defenses constitute legal conclusions to which no response is require. To the extent a response is deemed necessary, Plaintiff denies the averments contained therein for the reason that they are untrue. By way of further response, Plaintiff holds Defendants to its strict proofs at trial. Plaintiff hereby further incorporates its Complaint as if it were more fully set forth at length.

5. Paragraph 5 to Defendants' Affirmative Defenses constitute legal conclusions to which no response is require. To the extent a response is deemed necessary, Plaintiff denies the averments contained therein for the reason that they are untrue. By way of further response, Plaintiff holds Defendants to its strict proofs at trial. Plaintiff hereby further incorporates its Complaint as if it were more fully set forth at length.

6. Paragraph 6 to Defendants' Affirmative Defenses constitute legal conclusions to which no response is require. To the extent a response is deemed necessary, Plaintiff denies the averments contained therein for the reason that they are untrue. By way of further response, Plaintiff holds Defendants to its strict proofs at trial. Plaintiff hereby further incorporates its Complaint as if it were more fully set forth at length.

7. Paragraph 7 to Defendants' Affirmative Defenses constitute legal conclusions to which no response is require. To the extent a response is deemed necessary, Plaintiff denies the averments contained therein for the reason that they are untrue. By way of further response, Plaintiff holds Defendants to its strict proofs at trial. Plaintiff hereby further incorporates its Complaint as if it were more fully set forth at length.

8. Paragraph 8 to Defendants' Affirmative Defenses constitute legal conclusions to which no response is require. To the extent a response is deemed necessary, Plaintiff denies the averments contained therein for the reason that they are untrue. By way of further response, Plaintiff holds Defendants to its strict proofs at trial. Plaintiff hereby further incorporates its Complaint as if it were more fully set forth at length.

9. Paragraph 9 to Defendants' Affirmative Defenses constitute legal conclusions to which no response is require. To the extent a response is deemed necessary, Plaintiff denies the averments contained therein for the reason that they are untrue. By way of further response, Plaintiff holds Defendants to its strict proofs at trial. Plaintiff hereby further incorporates its Complaint as if it were more fully set forth at length.

10. Paragraph 10 to Defendants' Affirmative Defenses constitute legal conclusions to which no response is require. To the extent a response is deemed necessary, Plaintiff denies the averments contained therein for the reason that they are untrue. By way of further response, Plaintiff holds Defendants to its strict proofs at trial. Plaintiff hereby further incorporates its Complaint as if it were more fully set forth at length.

11. Paragraph 11 to Defendants' Affirmative Defenses constitute legal conclusions to which no response is require. To the extent a response is deemed necessary, Plaintiff denies the averments contained therein for the reason that they are untrue. By way of further response,

Plaintiff holds Defendants to its strict proofs at trial. Plaintiff hereby further incorporates its Complaint as if it were more fully set forth at length.

12. Paragraph 12 to Defendants' Affirmative Defenses constitute legal conclusions to which no response is require. To the extent a response is deemed necessary, Plaintiff denies the averments contained therein for the reason that they are untrue. By way of further response, Plaintiff holds Defendants to its strict proofs at trial. Plaintiff hereby further incorporates its Complaint as if it were more fully set forth at length.

13. Paragraph 13 to Defendants' Affirmative Defenses constitute legal conclusions to which no response is require. To the extent a response is deemed necessary, Plaintiff denies the averments contained therein for the reason that they are untrue. By way of further response, Plaintiff holds Defendants to its strict proofs at trial. Plaintiff hereby further incorporates its Complaint as if it were more fully set forth at length.

14. Paragraph 14 to Defendants' Affirmative Defenses constitute legal conclusions to which no response is require. To the extent a response is deemed necessary, Plaintiff denies the averments contained therein for the reason that they are untrue. By way of further response, Plaintiff holds Defendants to its strict proofs at trial. Plaintiff hereby further incorporates its Complaint as if it were more fully set forth at length.

15. Paragraph 15 to Defendants' Affirmative Defenses constitute legal conclusions to which no response is require. To the extent a response is deemed necessary, Plaintiff denies the averments contained therein for the reason that they are untrue. By way of further response, Plaintiff holds Defendants to its strict proofs at trial. Plaintiff hereby further incorporates its Complaint as if it were more fully set forth at length.

16. Paragraph 16 to Defendants' Affirmative Defenses constitute legal conclusions to which no response is require. To the extent a response is deemed necessary, Plaintiff denies the averments contained therein for the reason that they are untrue. By way of further response, Plaintiff holds Defendants to its strict proofs at trial. Plaintiff hereby further incorporates its Complaint as if it were more fully set forth at length.

17. Paragraph 17 to Defendants' Affirmative Defenses constitute legal conclusions to which no response is require. To the extent a response is deemed necessary, Plaintiff denies the averments contained therein for the reason that they are untrue. By way of further response, Plaintiff holds Defendants to its strict proofs at trial. Plaintiff hereby further incorporates its Complaint as if it were more fully set forth at length.

18. Paragraph 18 to Defendants' Affirmative Defenses constitute legal conclusions to which no response is require. To the extent a response is deemed necessary, Plaintiff denies the averments contained therein for the reason that they are untrue. By way of further response, Plaintiff holds Defendants to its strict proofs at trial. Plaintiff hereby further incorporates its Complaint as if it were more fully set forth at length.

19. Paragraph 19 to Defendants' Affirmative Defenses constitute legal conclusions to which no response is require. To the extent a response is deemed necessary, Plaintiff denies the averments contained therein for the reason that they are untrue. By way of further response, Plaintiff holds Defendants to its strict proofs at trial. Plaintiff hereby further incorporates its Complaint as if it were more fully set forth at length.

20. Paragraph 20 to Defendants' Affirmative Defenses constitute legal conclusions to which no response is require. To the extent a response is deemed necessary, Plaintiff denies the averments contained therein for the reason that they are untrue. By way of further response,

Plaintiff holds Defendants to its strict proofs at trial. Plaintiff hereby further incorporates its Complaint as if it were more fully set forth at length.

WHEREFORE, Plaintiff respectfully requests that judgement be entered in their favor and against Defendants and with costs sustained and such further relief to which it is entitled, and the Court deems appropriate.

HARDIN THOMPSON, P.C.

/s/ Kenneth J. Hardin II
Kenneth J. Hardin II, Esquire
PA ID 58303
The Frick Building
437 Grant Street, Suite 620
Pittsburgh, PA 15219
kenhardin@hardinlawpc.net

Date: April 11, 2019

CERTIFICATE OF SERVICE

I hereby certify that on the 11th day of April, 2019 a true and correct copy of the **RESPONSE TO AFFIRMATIVE DEFENSES** has been has been filed on the ECF docket and is available for viewing and download and has also been sent via U.S. Regular Mail, Postage Prepaid to the following:

Pintura Construction LLC
C/O Pennsylvania Registered Agents
1150 First Avenue, Suite 511
King of Prussia, PA 19406
Defendant

By: /s/ Kenneth J. Hardin II
Kenneth J. Hardin II, Esquire